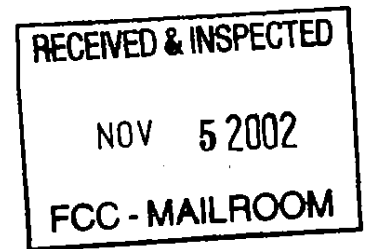


DOCKET FILE COPY ORIGINAL

Federal Communications Commission
Charles V. Mole'
Parsippany-Troy Hills Township District
577 Vail Road
Box 52
Parsippany, NJ 07054



Appeal Administrator's Decision on Appeal- Funding Year 2002-2003

Billed Entity Number: 122717
471 Application Number: 326429
Funding Request Number(s) 874234,874235,874236,874237

CC Docket Nos. 96-45 and 97-21

Dear Sir:

After review of this situation I have discovered that the forms were mailed on Jan. 4, 2002 which violates the 28 day posting period. I gave these forms to my secretary on Jan. 4, 2002 and asked her to mail them on Monday Jan 7, 2002. Unfortunately she went ahead and mailed them on Jan. 4, 2002 not knowing they were date sensitive. I am asking that the 28 day posting be waved.

Furthermore with the life threatening disease my wife has been battling for the past 16 months (Leukemia) and now preparing for a stem cell transplant have placed a heavy burden on my life and those who work with me. Dates and times often slip by me.

Verification of this information will be sent to you upon your request.

I also feel that during the appeal process I was not told directly to resubmit the forms and found nothing in our correspondence to suggest it.

Please find attached

1. Original Letter of Appeal
2. Fax from Mr. Diaz SDL who reviewed the appeal
3. Oct. 17, 2002 Administrator's Decision
4. Copy of 1st page of 471 form where I wrote the date of Monday 1/7/02 my master copy and gave the originals forms to my secretary to be mailed on Monday 1/7/02 she went ahead and mailed them on 1/4/02

No. of Copies rec'd 0
List ABCDE

LETTER OF APPEAL

Charles V. Mole'
577 Vail Road
Box 52
Parsippany, NJ 07054

973-263-7001 Ext. 3054 Phone
973-257-1301 – Fax
CMOLE@PTHSD.K12.NJ.US E-mail

FUNDING COMMITMENT DECISION LETTER

FORM 471 APPLICATION NUMBER 326429

FUNDING YEAR 2002: 07/01/2002 - 06/30/2003

BILLED ENTITY NUMBER 122717

APPLICANTS FORM IDENTIFIER: 7176

DATE OF LETTER – May 7, 2002

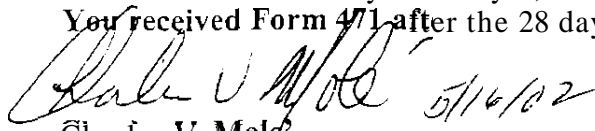
FRN SUBJECT OF APPEAL

Frn# 874234 *
Frn# 874235 *
Frn# 874236 *
Frn# 874237 *

- Submitted prior to the expiration of the 28 day waiting period from the day of posting **Form 470** to the SLD Web Site.

“NOT TRUE”

I mailed Form Monday January 7, 2002 with the signature page which is 28 days.
You received Form 471 after the 28 days.


Charles V. Mole'



80 South Jefferson Road
Whippany, New Jersey 07981
Fax: 973-599-6525

Universal Service Administrative Company
Schools & Libraries Division

FAX TRANSMISSION COVER SHEET

To: Charles Mole
Fax: 19732571301
Subject: E-rate appeal for application #326429
From: Program Compliance
Date: June 19, 2002
Time: 3:48:49 PM

YOU SHOULD RECEIVE 2 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL THE CONTACT SPECIFIED BELOW.

Privilege and Confidentiality Notice

The information in this telecopy is intended for the **named recipients** only. It may contain information that is privileged, confidential or otherwise protected from **disclosure**. If you are not the **intended** recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied material is strictly prohibited. If you have received the telecopy in error, please **notify** us by telephone immediately and mail the original to us at the above address. Thank you.

Charles Mole

Parsippany-Troy Hills Twp. District

My name is Jose Diaz and I am currently reviewing your appeal for application # 326429 for Parsippany-troy **Hills** Township School District. I do need additional information to continue the processing of your appeal.

The signature date and the postmark date of your Form 471 are before the allowable contract date, which is a violation of program rules. On your Form 471 **you** referenced Form 470 #660800000394788. **Is** this the "establishing" Form 470 for the services requested? The "establishing Form 470 **is** the Form **470** where **the** services were posted for **28 days** prior to signing or submitting your Form 471.

Your immediate attention to **this** request will enable me to continue the processing of your appeal.

This information must be submitted within 7 calendar days.

If you have **any** further questions. please do not hesitate to contact me.

Thank you for your time

Jose Diaz

Schools & Libraries Division

Program Compliance

Voice: 973-884-8541

Fax: 973-599-6525

E-mail: jdiaz@sl.universalservice.org

Jose 19



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision **on Appeal - Funding Year 2002-2003**

October 17, 2002

Charles V. Mole'
Parsippany-Troy Hills Township District
577 Vail Road
Box 52
Parsippany, NJ 07054

Re: Billed Entity Number: 122717
 471 Application Number: 326429
 Funding Request Number(s): 874234,874235,874236,874237
 Your Correspondence Dated: May 7, 2002

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Five Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 874234,874235,874236,874237
Decision on Appeal: Denied in **full**
Explanation:

- Your appeal states that your requests for funding was denied because your Form 471 was submitted prior to the expiration of the 28-day waiting period from the day of posting the Form 470 to the SLD website. You also state that SLD denied this request for funds in error, because you mailed your Form 471 on January 7, 2002. You would like SLD to reverse their decision and provide funding for these requests.
- According to our records, your Form 471 was postmarked January 4, 2002. The signature date on the application (Line 35) was therefore changed from 1/7/02 to 1/4/02 to reflect the fact that you could not have signed the application three days after it was postmarked by the post office. During the appeal review process, you were given the opportunity to cite an alternate Form 470 establishing the bidding for the services requested on your Form 471. According to your fax dated June 20, 2002, Form 470 #660800000394788 is the Form 470 that established the bidding

requirement for these services. Since the services requested on your **Form 471** are month-to-month, and the signature date of your Form 471 was January 4, 2002, SLD correctly denied this FRN for not meeting the 28-day competitive bidding requirement.

- While these types of services may not be subject to a contract, they do need to be competitively bid for each funding year. Therefore, you should have filed a Funding Year 5 Form 370 requesting support for these services, and you should have waited for 28 days **before** signing or submitting your 471. Since you submitted your Form 471 before the 28-days waiting period, you *are* in violation of the program's competitive bidding requirements.
- FCC rules require that except under limited circumstances, all Forms 470 received be posted on the website for 28 days for the services being requested and applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. *See* 47 C.F.R. §§ 54.504; 54.511(a), (c). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. *See Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098 ¶ 9 (1997). The only exceptions to the posting requirement are for: (1) contracts signed on or before July 10, 1997 for the life of the contract; (2) contracts signed between July 10, 1997 and before January 30, 1998 (the date on which the website became operational) for services provided through June 30, 1999. *See* 47 C.F.R. § 54.511(c); *Fifth Reconsideration Order*, 13 FCC Rcd at 14916 ¶ 2, and 14920 ¶ 8 (extending Year One funding period through June 30, 1999). Consequently, SLD denies your appeal because your application did not comply with the competitive bidding requirement that services requested on the Form 471 must be listed on the Form 470 and posted on the website for 28 days.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Schools and Libraries Universal Service Services Ordered and Certification Form 471

Estimated Average Burden Hours Per Response: 4 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (See www.sl.universalservice.org for filing this form online)

Applicant's Form Identifier: 7176
(Create your own code to identify THIS Form 471)

Form 471 Application #:
(To be inserted by Fund Administrator)

Block 1: Billed Entity Information

(The "Billed Entity" is the entity paying the bills for the services listed on this form.)

- 1 Name of Billed Entity (30 characters max.) PARSIPPANY TWP HILLS TWP DIST
- 2 Funding Year: July 1, 02 through June 30, 03 3 Entity Number (up to 10 digits) 122717
- 4a Street Address, P.O. Box, 577 UNIL RD Box 52
or Route Number
- City PARSIPPANY State NY Zip Code 07654
- b Telephone Number (10 digits + ext.) (973) 263-7001 ext. 3054
- c Fax Number (10 digits) (973) 257-1301
- d E-mail Address (50 characters max.) CHARLES@PARSIPPANY-K12.NY.US
- 5 Type of Application ☐ School (public or non-public school)
☒ School District (LEA, public or non-public (e.g., diocesan) local district representing multiple schools)
☐ Library (library (i.e. outlet/branch, system))
☐ Consortium ☐ Check here if any members of this consortium are ineligible non-governmental entities.

- 6a Contact Person's Name CHARLES MOLE
First, fill in every item of the Contact Person's information below that is different from Item 4, above
Then check the box next to the preferred mode of contact. (At least one box MUST be checked.)

- b ☐ Street Address, P.O.
Box, or Route Number
City State Zip Code
- c ☒ Telephone Number (10 digits + ext.) (973) 263-7001 ext. 3054
- d ☐ Fax Number (10 digits) (---) ---
- e ☐ E-mail Address (50 characters max.)
- f Holiday/vacation/summer contact information:

Block 2: Minor Modification to Existing Contract?

- 7 ☐ Check if this Form 471 represents a minor modification, such as a modification of services, to a Form 471 for which you already have a Receipt Acknowledgement Letter. Provide the data requested below, attach a Description of Services highlighting the modified service, and sign Block 6.

Form 471 Application #: Funding Request Number:

Minor modification requests can be filed MANUALLY only. Please see www.sl.universalservice.org for filing instructions.